

**ANTI-DISCRIMINATION CENTER, INC.**

“ONE COMMUNITY, NO EXCLUSION”

July 28, 2023

Hon. Laura Taylor Swain  
Chief Judge, U.S. District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Joint Status Report and Request for Adjournment  
Noel v. City of New York, 15-CV-5236 (LTS/KHP)

Your Honor:

I write on behalf of both parties jointly to: (a) provide a status report as required by the Court’s Opinion and Order of April 28, 2023 (ECF 970, at 31-32); and (b) request an adjournment of the final pre-trial conference.

Status Report

Both parties do not consent to a trial before Judge Parker.

If there is not a settlement, plaintiffs estimate that it would take no fewer than 10 days to put on their affirmative case; defendant estimates that it would take 5 days to put on its defense.

The parties exchanged settlement offers in June and had an in-person settlement conference presided over by Magistrate Parker on July 19th. At the conclusion of that conference, plaintiffs had a proposal pending with defendant which Magistrate Parker indicated defendant needed time to consider. Defendant is still determining whether to make another offer. As such, a definitive statement cannot be made at this time as to whether a trial will go forward.

Request for Adjournment of Final Pre-Trial Conference and Associated Dates

If this matter does proceed to trial, the pre-trial preparation will be extensive and intense, with an usually large number of issues and sub-issues having to be grappled with, many motions likely to be filed, and pre-trial statements developed that will need to cover a large array of legal standards. That is in addition to the logistics of a substantial amount of documentary evidence, videotaped depositions, and witness organization, not to mention the difficulties attendant to restarting the matter after a hiatus of more than two years (during which attorneys on both sides have or will have moved on to other employment). Finally, defendant’s counsel has the additional hurdle of dealing with religious holidays in September and early October.

As such, the parties believe that a realistic schedule would be to **move the final pre-trial conference to a date on or about December 8, 2023, with the associated dates adjusted accordingly.**

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To reiterate, the parties request that the Court adjourn the final pre-trial conference to a date on or about December 8, 2023, with the associated dates being adjusted accordingly.

Respectfully submitted,

*Craig Gurian*

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Co-counsel for plaintiffs